

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04-12724-JLT

CONRAD MURPHY,

Plaintiff,
v.

KATHLEEN M. DENNEHY, *et al.*,

Defendants.

DEFENDANTS'
MOTION TO DISMISS

Now come the defendants in the above captioned matter and hereby move this Court to dismiss each Count of the plaintiff's Complaint. As grounds therefore, the defendants state that the plaintiff has failed to state any claim upon which relief may be granted, pursuant to Fed.R.Civ.P.12(b)(6) and refer the Court to the Memorandum of Law filed herewith.

WHEREFOR, the defendants respectfully request that this Court enter judgment in their favor as to each count of the plaintiff's Complaint.

Dated: June 28, 2005

Respectfully submitted,

Defendants,

By their attorneys:
NANCY ANKERS WHITE
Special Assistant Attorney General

/s/Wendy C. Weber
Wendy C. Weber, Counsel
BBO No. 633950
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110-1300
(617) 727-3300 x189

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the plaintiff appearing *pro se* by first class mail.

Date: June 28, 2005

/s/ Wendy C. Weber
Wendy C. Weber, Counsel